



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/854,339	05/11/2001	Dan Kikinis	112347.00121	8678

52940 7590 06/18/2007
HOLLAND & KNIGHT LLP
Attn: Stefan Stein/IP Dept
131 S. DEARBORN STREET
30TH FLOOR
CHICAGO, IL 60603

EXAMINER

VAN HANDEL, MICHAEL P

ART UNIT	PAPER NUMBER
----------	--------------

2623

MAIL DATE	DELIVERY MODE
-----------	---------------

06/18/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/854,339

Applicant(s)

KIKINIS ET AL.

Examiner

Michael Van Handel

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 March 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5, 8-10, 12-16, 19-21, 23-27, 29-31 and 33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 8-10, 12-16, 19-21, 23-27, 29-31, 33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This action is responsive to an Amendment filed 3/28/2007. Claims **1-5, 8-10, 12-16, 19-21, 23-27, 29-31, 33** are pending. Claims **1, 12, 13, 16, 23** are amended. Claims **6, 7, 11, 17, 18, 22, 28, 32, 34** are canceled. The examiner hereby withdraws the objection to claims **1, 13, and 16** in light of the amendment. The examiner hereby further withdraws the objection to Figures **1, 2A, 2B, 2C and 4** in light of the applicant's arguments.

Response to Arguments

1. Applicant's arguments regarding claims **1, 12, and 23**, filed 3/28/2007, have been fully considered, but they are not persuasive.

Regarding claims **1, 12, and 23**, the applicant argues that Rowe et al. does not include 3-D images. The examiner respectfully disagrees. Rowe et al. discloses storing category tiles, subcategory tiles, and program tiles in a database structure on a memory storage device (col. 3, l. 23-28 & col. 5, l. 36-42). A user can peruse a selected class of programming information by scrolling the tiles of one of the category, subcategory, or program displays (col. 3, l. 39-41). A set-top converter 32 accepts programs and programming information from a cable 30 and converts these signals to a format compatible for presentation by a receiving device 34, such as a television or a computer system (col. 6, l. 50-54). The category tiles, subcategory tiles, and program tiles are presented to the user as category display 52, subcategory display 54, and a program display 56, respectively (col. 7, l. 16-32 & Fig. 2). By moving these tiles in either an up

Art Unit: 2623

or down direction, previously hidden tiles are revealed in one direction and previously visible tiles are obscured in the other direction (col. 8, l. 9-15). To “spin” one of the displays 52, 54, or 56, the focus frame 60 is moved along the viewing panel 58 to one of the displays. When the focus frame 60 is located proximate to the selected display, the subscriber has the option of scrolling up or down to reveal additional tiles (col. 8, l. 21-26). Each of the displays 52, 54, and 56 uses three-dimensional shading to indicate that a tile is scrolling off beyond the visible area of its display (col. 8, l. 35-37). Since the category, subcategory, and program tiles are displayed as 3-D images when the tiles are being scrolled off beyond the visible area of the display, the examiner maintains that Rowe et al. teaches 3-D image EPG objects, as currently claimed.

Claim Rejections - 35 USC § 103

1. Claims 1-5, 8-16, 19-21, 23-27, 29-31, 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rowe et al. in view of Boylan, III et al.

Referring to claims 1, 12, and 23, Rowe et al. discloses a system/method, comprising:

- a first unit 32 to generate an interactive three-dimensional (3-D) electronic programming guide (EPG)(col. 6, l. 50-59; col. 8, l. 34-37 & Figs. 1, 2);
- a database interconnected to an offline archive storing a plurality of objects associated with past programming events (col. 3, l. 23-38; col. 5, l. 23-50; col. 13, l. 48-56; & col. 14, l. 33-55), the plurality of objects comprising EPG objects (col. 5, l. 23-38) and non-EPG objects 92, the EPG objects including 3-D images (col. 5, l. 36-42; col. 7, l. 62-67; & col. 8, l. 1, 21-37), alphanumeric text (col. 4, l. 8-19) and video data (col. 14, l. 33-55); and

Art Unit: 2623

- a user interface (UI) for interaction with the objects (col. 7, l. 1-15 & col. 9, l. 29-46).

Rowe et al. does not disclose that the non-EPG objects comprise interactive localized content and electronic commerce (e-commerce) objects and a user interface (UI) for interaction with the localized interactive content and e-commerce objects. Boylan, III et al. discloses replacing global advertisements with local advertisements in a program guide (p. 1, paragraph 11) and allowing a user to interact with the advertisements (p. 4, paragraph 54). It would have been obvious to one of ordinary skill in the art at the time that the invention was made to replace the preview section of Rowe et al. with interactive local advertisements, such as that taught by Boylan, III et al. in order to provide an interactive television program guide system in which users may be provided with local program guide advertising (p. 1, paragraph 7).

Referring to claims **2**, **14**, and **24**, the combination of Rowe et al. and Boylan, III et al. teaches the system/method of claims 1, 12, and 23, respectively, wherein the system comprises a set-top box (Rowe et al. col. 6, l. 50), a television (Rowe et al. col. 2, l. 43), or a VCR.

Referring to claims **3** and **25**, the combination of Rowe et al. and Boylan, III et al. teaches the system/method of claims 1 and 24, respectively, wherein the system includes a plurality of drivers, one of the drivers communicating with a separate unit to replenish programming information (Rowe et al. col. 7, l. 1-15).

Referring to claims **4**, **8**, **15**, **19**, **26**, **29**, and **31**, the combination of Rowe et al. and Boylan, III et al. teaches the system/method of claims 1, 12, 24, 27, and 30, wherein the EPG objects comprise a first class of objects (summary panel 90) providing a plurality of virtual worlds included in the 3-D EPG (the examiner notes that the information shown in summary

Art Unit: 2623

panel 90 corresponds to the selected tile appearing within the viewing panel 58)(Rowe et al. col. 14, l. 8-55 & col. 15, l. 1-30).

Referring to claims **5**, **16**, and **27**, the combination of Rowe et al. and Boylan, III et al. teaches the system/method of claims 4, 15, and 26, respectively, wherein the EPG objects comprise a second set of objects (program tiles) that includes at least one of a schedule times, channel identification, or title, corresponding to a program (Rowe et al. col. 4, l. 8-11).

NOTE: The USPTO considers the applicant's "at least one of" language to be anticipated by any reference containing any of the subsequent corresponding elements.

Referring to claims **9**, **20**, and **30**, the combination of Rowe et al. and Boylan, III et al. teaches the system/method of claims 8, 19, and 29, respectively, wherein a subset of the virtual world is displayed as a matrix of rectangular boxes containing current program information (the examiner notes that program summary panel forms a matrix of rectangular boxes containing current program information (preview section 92 and text description section 94)(Rowe et al. col. 14, l. 33-42 & Figs. 2-4).

Referring to claims **10**, **21**, and **33**, the combination of Rowe et al. and Boylan, III et al. teaches the system/method of claims 1, 20, and 27, respectively. Rowe et al. further discloses Tiger video files for display in the preview section 92. Each Tiger video file is stored at the location of the headend processor and distributed in response to a request output by the subscriber's set-top converter 32 (col. 15, l. 1-13). Rowe et al. does not disclose uploading localized content in real time. Boylan, III et al. discloses a computer 94 that retrieves local advertisements from advertising database 57 as needed for transmission to user television equipment 54 (p. 5, paragraph 68). It would have been obvious to one of ordinary skill in the art

Art Unit: 2623

at the time that the invention was made to modify the combination of Rowe et al. and Boylan, III et al. to include distributing local advertisements to users as needed, such as that taught by Boylan, III et al. in order to present current information to a user.

Referring to claim 13, the combination of Rowe et al. and Boylan, III et al. teaches the computer-implemented method of claim 12, wherein the EPG objects comprise a plurality of objects associated with current programming events (col. 5, l. 10-12).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Van Handel whose telephone number is 571-272-5968. The examiner can normally be reached on 8:00am-5:30pm Mon.-Fri..

Art Unit: 2623

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MVH


SCOTT E. BELIVEAU
PRIMARY PATENT EXAMINER